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10	Attorneys for Defendants	
11	UNITED STATES DISTRICT COURT	
12 13	NORTHERN DISTRICT OF CALIFORNIA	
14	SAN FRANCISCO DIVISION	
15		
16	JOSHUA GERSTEIN,	Case No. C 06-04643 MMC AND ORDER
17	Plaintiff,	STIPULATION TO EXTEND DEFENDANTS' BRIEFING DEADLINE
18	v. )	FOR FILING RENEWED MOTION FOR SUMMARY JUDGMENT AND
19	CENTRAL INTELLIGENCE AGENCY, () et al.,	MEMORANDUM IN SUPPORT THEREOF
20	Defendant.	
21		
22	The parties hereby stipulate to a three-week extension, until April 23, 2010, of the April 2,	
23	2010 deadline for defendants' renewed motion for summary judgment, which was set pursuant to	
24	the Court's February 23, 2010 Order. The bases for this stipulation are as follows:	
25	1. On February 23, 2010, the Court issued an Order granting in part and denying in part	
26	defendants' renewed motion for summary judgment regarding plaintiff's request to the	
27	Department of Justice's Office of Professional Responsibility (OPR) under the Freedom of	
28	Information Act (FOIA). Plaintiff's FOIA request sought documents relating to leaks of classified	
	STIP. TO EXTEND DEFS.' DEADLINE FOR RENEWED SJ Case No. C 06-04643 MMC	

information. With respect to certain of OPR's withholdings under FOIA exemptions 2, 5, 6, and 7(C), the Court denied the government's motion for summary judgment without prejudice, allowing OPR until April 2, 2010 to file a renewed summary judgment motion.

- 2. On March 24, 2010, OPR advised defendants' counsel that more time was needed for that component to review the documents at issue, determine the extent to which OPR could produce at least some of the information that has been withheld in response to plaintiff's request, and prepare a revised <u>Vaughn</u> declaration. OPR further informed counsel that the <u>Vaughn</u> declarant would be out of the office part of the next week and that the OPR attorney will be on leave the week of March 29, 2010.
- 3. Undersigned counsel also will be on leave the week of March 29. In addition, once OPR has completed its review of the documents, government counsel intends to discuss with plaintiff the extent to which the parties can narrow the scope of the information at issue.
- 4. For these reasons, defendants seek a three-week extension of time, or until April 23, 2010, to file a renewed motion for summary judgment.
- 5. Plaintiff stipulates to the request for a three-week extension of time for defendants to file their papers.

Accordingly, the parties stipulate to extend the defendants' briefing deadline by three weeks, or until April 23, 2010.

Respectfully submitted,

JOSHUA GERSTEIN TONY WEST
Assistant Attorney General

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Plaintiff /S/
Carlotta P. Wells

Senior Trial Counsel
United States Department of Justice

Civil Division

Federal Programs Branch

Dated: March 26, 2010 Dated: March 26, 2010

## [PROPOSED] ORDER

Upon consideration of the parties' stipulation, the briefing deadline set by the February 23, 2010 Order is extended by three weeks, to reflect that defendants' renewed motion for summary judgment is due no later than April 23, 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:\_March 26, 2010

